

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

December 6, 2002

IN RE: Complaint of AENEAS Communications )  
Against Citizens Communications in Weakley )  
County, Tennessee. )  
)

Docket No. 02-00438

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REPLY OF AENEAS COMMUNICATIONS TO THE FIRST DISCOVERY REQUEST  
FROM CITIZENS TELECOMMUNICATIONS COMPANY

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Aeneas Communications ("Aeneas") hereby responds to the Discovery Requests submitted by Citizens Communications Company of Tennessee, LLC on November 26, 2002.

**DISCOVERY REQUESTS FROM CITIZENS**

1. Describe the types of services you provide in Weakley County, Tennessee and state the number of customers within such county.

**RESPONSE:** The requested information is irrelevant nor is it likely to lead to the discovery of relevant information. Based on the TRA Staff's investigation, copy attached, there appears to be no dispute about the underlying facts of this case. Aeneas and Citizens disagree over the proper method of routing local calls made by a Citizens' subscriber to an Aeneas subscriber located in the service area of BellSouth Telecommunications, Inc. Aeneas submits that this issue is determined by the industry-wide Local Exchange Routing Guide (LERG) which, according to BellSouth, requires that such traffic be routed by Citizens to a BellSouth tandem switch. Instead, Citizens routes the calls to a BellSouth end office which is not capable of routing the call to Aeneas for completion. As a result, such calls are being dropped before ever reaching Aeneas's switch.

Because of this basic dispute over the proper routing of these calls, questions about the number and names of Aeneas' customers in Weakley County, and the type of services offered by Aeneas are irrelevant.

Nevertheless, in an effort to be responsive, Aeneas submits the following:

Aeneas offers all the services described in its tariffs which are on file at the Tennessee Regulatory Authority and available for public inspection and copying. Aeneas currently has no customers in the area of Weakley County served by Citizens. It does have telephone customers, including an ISP, in the portion of Weakley County served by BellSouth.

2. Identify all internet service providers in Weakley County, Tennessee that are your customers, and for each such provider identified, state the telephone number for access to such provider, and the monthly volume (by number of calls, minutes, amount of data and any other measured quantity) for each such provider.

**RESPONSE:** The requested information is irrelevant nor is it likely to lead to the discovery of relevant information. Based on the TRA Staff's investigation, copy attached, there appears to be no dispute about the underlying facts of this case. Aeneas and Citizens disagree over the proper method of routing local calls made by a Citizens' subscriber to an Aeneas subscriber located in the service area of BellSouth Telecommunications, Inc. Aeneas submits that this issue is determined by the industry-wide Local Exchange Routing Guide (LERG) which, according to BellSouth, requires that such traffic be routed by Citizens to a BellSouth tandem switch. Instead, Citizens routes the calls to a BellSouth end

office which is not capable of routing the call to Aeneas for completion. As a result, such calls are being dropped before ever reaching Aeneas's switch.

Because of this basic dispute over the proper routing of these calls, questions about the number and names of Aeneas' customers in Weakley County, and the type of services offered by Aeneas are irrelevant.

Nevertheless, in an effort to be responsive, Aeneas submits the following:

The only such customer is Click1 Internet. Aeneas provides Click1 with a pool of numbers and does not know which numbers are actually in use. Aeneas does not have call flow data related to this customer.

3. If you provide internet access service to residents of Weakley County, Tennessee state (a) the telephone number for access to your service, (b) the location of the exchange for such service, and (c) the monthly volume (by number of calls, minutes, amount of data, and any other measured quantity) for each such provider.

**RESPONSE:** The requested information is irrelevant nor is it likely to lead to the discovery of relevant information. Based on the TRA Staff's investigation, copy attached, there appears to be no dispute about the underlying facts of this case. Aeneas and Citizens disagree over the proper method of routing local calls made by a Citizens' subscriber to an Aeneas subscriber located in the service area of BellSouth Telecommunications, Inc. Aeneas submits that this issue is determined by the industry-wide Local Exchange Routing Guide (LERG) which, according to BellSouth, requires that such traffic be routed by Citizens to a BellSouth tandem switch. Instead, Citizens routes the calls to a BellSouth end

office which is not capable of routing the call to Aeneas for completion. As a result, such calls are being dropped before ever reaching Aeneas's switch.

Because of this basic dispute over the proper routing of these calls, questions about the number and names of Aeneas' customers in Weakley County, and the type of services offered by Aeneas are irrelevant.

Nevertheless, in an effort to be responsive, Aeneas submits the following:

Aeneas Communications does not provide internet access service to residents of Weakley County.

4. With respect to the dropped or uncompleted calls at issue in this matter, please identify all dropped or uncompleted calls, by time, date, caller (including telephone number), recipient or intended recipient (including telephone number), location of caller, location or recipient/intended recipient, type of call (e.g. voice, internet, other).

**RESPONSE:** Since the calls are dropped by Citizens and never reach Aeneas, Aeneas has no way of obtaining this information.

5. For each recipient or intended recipient identified in your response to request number 4, please state the volume of monthly volume of calls (by calls, minutes, amount of data, and any other measurement kept by you) received by that customer from Aeneas' customer(s) in Weakley County, Tennessee.

**RESPONSE:** Not applicable. See response to question four.

6. With respect to your customer(s) in Weakley County, Tennessee that have had calls dropped or uncompleted because of the connection with Citizens' customers, please state the frequency of such occurrence(s), including but not limited to a ratio of completed calls to uncompleted calls to each affected Aeneas customer.

**RESPONSE:** See response to question four.

7. Describe your interconnection arrangement(s) with other telecommunication providers in Tennessee, including a description of the contractual agreements and the type of connection/switch. Also, provide a copy of all agreements identified herein, including your agreement(s) with BellSouth.

**RESPONSE:** The requested information is irrelevant nor is it likely to lead to the discovery of relevant information. Based on the TRA Staff's investigation, copy attached, there appears to be no dispute about the underlying facts of this case. Aeneas and Citizens disagree over the proper method of routing local calls made by a Citizens' subscriber to an Aeneas subscriber located in the service area of BellSouth Telecommunications, Inc. Aeneas submits that this issue is determined by the industry-wide Local Exchange Routing Guide (LERG) which, according to BellSouth, requires that such traffic be routed by Citizens to a BellSouth tandem switch. Instead, Citizens routes the calls to a BellSouth end office which is not capable of routing the call to Aeneas for completion. As a result, such calls are being dropped before ever reaching Aeneas's switch.

Because of this basic dispute over the proper routing of these calls, questions about the number and names of Aeneas' customers in Weakley County, and the type of services offered by Aeneas are irrelevant.

Nevertheless, in an effort to be responsive, Aeneas submits the following:

Aeneas has an agreement only with BellSouth. A copy can be found on BellSouth's web site ( [www.BellSouth.com](http://www.BellSouth.com)) under the category "Large Business Services" and the sub-category "Tariffs, Notifications, and CEI Plans."

8. Please identify all facts that you believe support your contention that Citizens should route calls to Aeneas' customers in Weakley County through BellSouth's tandem switch in Memphis, including the applicable LERG provision(s) that you believe apply.

**RESPONSE:** Aeneas contends that Citizens should route such calls to the BellSouth tandem in Memphis or the BellSouth tandem in Jackson. In regard to the LERG, Aeneas is relying on BellSouth for that information. See attached letter from BellSouth's attorney to the attorney for Citizens.

9. To the extent you have not already done so, please quantify the number of customers and monthly volume of calls (including number of calls, minutes, bytes of information, and any other measured quantity) affected by the manner in which calls are currently routed from Citizens' customers to your customers.

**RESPONSE:** See Response to question four.

10. Please provide all documents that evidence or relate to your responses to the foregoing requests.

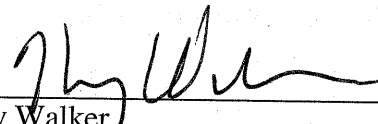
**RESPONSE:** See attached.

11. Please provide all documents that evidence or relate to your complaint against Citizens not already provided.

**RESPONSE:** None.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

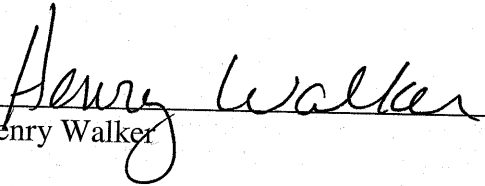
By:   
Henry Walker  
414 Union Street, Suite 1600  
P.O. Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363  
*Counsel for Aeneas Communications, L.L.C.*

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 6<sup>th</sup> day of December, 2002.

Guilford Thornton, Esq.  
Stokes & Bartholomew, PA  
SunTrust Center, Suite 2800  
424 Church Street  
Nashville, TN 37219

Aeneas Communications, LLC  
Jonathan Harlan  
301 South Church St.  
Jackson, TN 38031

  
Henry Walker





BellSouth Telecommunications, Inc.  
333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300  
joelle.phillips@bellsouth.com

Joelle J. Phillips  
Attorney  
615 214 6311  
Fax 615 214 7406

November 7, 2002

**VIA TELECOPIER**  
**(615) 687-1507**

Guilford R. Thornton, Jr., Esquire  
Stokes Bartholomew Evans & Petree, PA  
424 Church Street, Suite 2800  
Nashville, Tennessee 37219

Dear Gif:

Henry Walker has contacted me on behalf of his client Aeneas to inquire about BellSouth's understanding with respect to routing intracounty calls from a Citizens subscriber to an Aeneas subscriber located in BellSouth's service area. BellSouth's understanding regarding this issue is that the Local Exchange Routing Guide ("LERG") requires that the traffic in question must be routed by Citizens to BellSouth's tandem switch and not to BellSouth's end office switch. Mr. Walker has asked that we provide this information to you in order to indicate that, if BellSouth were asked to respond to an inquiry from the TRA regarding this issue, BellSouth's response would be consistent with the information above.

Please let me know if you have any questions about the foregoing.

Cordially,

A handwritten signature in cursive script that reads "Joelle Phillips".

Joelle Phillips

JP/je]

cc: Henry Walker, Esquire

# TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

## MEMORANDUM

**TO:** K. David Waddell  
Executive Secretary

**FROM:** Lewis T. De Board  
Consumer Services Division

**DATE:** February 11, 2001

**SUBJECT:** Complaint Relative To Telecommunications Traffic Transport  
By Citizens Communications To Aeneas Communications,  
LLC.

02-00438

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The TRA Consumer Services Division ("CSD" or "Staff") was contacted by Aeneas Communications ("Aeneas") regarding a problem it was experiencing with Citizens Communications ("Citizens") in Weakley County.<sup>1</sup> Specifically, Aeneas complained that Citizens' customers in Martin, Tennessee were unable to complete calls to its customer, an Internet Service Provider ("ISP"), in Greenfield, Tennessee. Aeneas stated that since the calls are originated and terminated in Weakley County, the calls should be sent to its switch for delivery to its customer, and be toll free.

To ensure this was not a typical county-wide calling problem, the staff checked the Local Exchange Routing Guide for the assignment location of the Central Office Code ("NXX") for the telephone number involved, and the TAR Code information to ensure Aeneas had the number coded for the proper county. It was found that the NXX involved was assigned to Aeneas in the BellSouth Greenfield Central Office, and the TAR Code was correct for Weakley County. This information proved that these calls are county-wide calls. The staff requested the positions of the parties regarding the situation, but after several attempts could not mediate an acceptable resolution to the problem. T.C.A. § 65-4-119 instructs the staff investigating an informal complaint to refer the complaint to the Authority should staff be unable to resolve it.

Aeneas requested that the county-wide calls to its customer, an ISP, be sent over the BellSouth toll trunk to the tandem switch in either Memphis or Jackson. These are the only two BellSouth tandem switches in West Tennessee. The staff confirmed that use of a tandem switch is necessary for calls to be transferred to a CLEC absent interconnection agreements because tandem switches are gateways between Incumbent Local Exchange

<sup>1</sup> CSD Complaint File No. 02-0125

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Carriers and other telecommunications service providers. Staff found that Aeneas has an interconnection agreement with BellSouth due to its presence within BellSouth's territory, but that Aeneas does not have an interconnection agreement with Citizens.

According to Aeneas, Citizens wants it to purchase an independent trunk group between the two companies in order to connect traffic to Aeneas rather than using the toll trunk and BellSouth's tandem switch. Staff understands that if Aeneas established an independent trunk group with Citizens, calls would be directly connected and the need to route calls through a tandem would be eliminated. Aeneas states it is reluctant to establish a trunk group, partly due to the expense, but also because it expects its usage within Weakley County from Citizens customers to be minimal.

Aeneas provided information that toll trunks to access the tandem switches were initially established for toll traffic. With the advent of cellular services and competition, toll trunks to tandem switches are sometimes used for non-toll traffic as well. According to Aeneas the other companies in West Tennessee are successfully using the toll trunks to access BellSouth's tandem switch for telecommunications traffic delivery to Aeneas

When contacted about Aeneas' complaint, Citizens responded that they were transporting its customers' calls to the BellSouth Greenfield Central Office over their Extended Area Service ("EAS") trunks. Citizens states this is the proper method for routing local traffic between the Martin and Greenfield central offices. Citizens reports that calls to Aeneas' customers are being dropped<sup>2</sup> in the Greenfield Central Office, and that BellSouth will only accept and process traffic to Aeneas' customers if that traffic is delivered to one of its tandem switches. Staff verified that the Greenfield Central Office (or end office) switch can only process and terminate traffic to individual access lines. Citizens denies that it is dropping or blocking calls from its customers to Aeneas' customers. Citizens stresses it is handling calls to Aeneas' customers in the identical manner it handles calls between its own customers.

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<sup>2</sup> A dropped call is one that is originated, processed by one or more switches, but is not delivered to the intended called end-user, or terminated.

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Citizens further states that they have no agreement with Aeneas for transport or exchange of traffic, and that it has not received an Access Service Request from Aeneas requesting access at its Martin central office. Citizens states that absent an agreement it does not feel obligated to route calls to Aeneas' customers over a common trunk group to BellSouth's tandem in Memphis or Jackson. Citizens states that it is not aware of any Authority ruling that would require them to route local traffic over its toll network at no charge. Citizens further states that the potential for blockage on the toll network is increased because of the added usage of ISP traffic. Citizens states that if Aeneas wants its traffic routed over the toll network, it needs to either establish trunk groups, or negotiate an agreement that properly compensates Citizens for the exchange of traffic.